

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

BARBARA J. BROWN-SUMMERS

PLAINTIFF

V.

CIVIL ACTION NO. 3:21-CV-699-DPJ-BWR

SOCIAL SECURITY ADMINISTRATION

DEFENDANTS

ORDER

This social-security appeal is before the Court on the Report and Recommendation [13] of Magistrate Judge Bradley W. Rath. Plaintiff Barbara J. Brown-Summers filed applications for Disability Insurance Benefits and Supplemental Security Income on December 12, 2019. Her applications were initially denied, and she requested reconsideration and a hearing before an administrative law judge. The ALJ held a telephonic hearing on March 24, 2021; Plaintiff was represented by counsel.

On April 21, 2021, the ALJ issued a decision unfavorable to Plaintiff, finding she was capable of performing various work. Plaintiff requested further review, and the Appeals Council denied that request on August 21, 2021. Plaintiff then appealed the decision to this Court, proceeding pro se. Judge Rath recommends affirming the decision of the Commissioner. R&R [13]. The R&R explained that Plaintiff could file an objection within 14 days. To date, Plaintiff has not filed an objection.¹

As Judge Rath noted in his R&R, a federal district court must uphold the Commissioner's decision to deny social-security benefits if it is "supported by substantial evidence and . . . the

¹ The R&R, entered January 10, 2023, was initially returned as undeliverable [14] on January 13, 2023. On January 17, 2023, Plaintiff picked up a copy of the R&R from the Clerk's Office and provided a notice of change of address [15]. Two weeks have now lapsed since Plaintiff retrieved a copy of the R&R, but no objection has been filed.

Commissioner used the proper legal standards to evaluate the evidence.” *Id.* at 6 (quoting *Newton v. Apfel*, 209 F.3d 448, 452 (5th Cir. 2000)). But Plaintiff did not attempt to show that the decision was unsupported by substantial evidence or that the Commissioner used improper legal standards. Instead, she asked “the Court to consider medical information that was not incorporated into the administrative record.” *Id.* at 1.²

The Court agrees with Judge Rath’s well-reasoned, unopposed Report and Recommendation and adopts it as the opinion of the Court. The decision of the Commissioner is affirmed. Plaintiff’s appeal is dismissed.

A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 3rd day of February, 2023.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE

² Judge Rath gave Plaintiff multiple opportunities to properly support her appeal, inviting her to file a “memorandum brief setting forth all error which Plaintiff contends entitle Plaintiff to relief” by October 21, 2022, to include a statement of the issues, a statement of the case, argument supported by citation to statutes and caselaw, and a conclusion. Order [8] at 1; *see id.* at 2; Order to Show Cause [9] (extending deadline). Instead, Plaintiff filed two one-page memoranda [10, 12] (both with less than half a page of text) and attached documents that were not part of the administrative record. *See R&R* [13] at 3–9.